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MAY 29 2009

DOCKET: 203/505 US: MB-104
APPLICATION: 10/821,383

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:
Christopher H. Porter

Examiner : Christopher Koharski
Art Unit: 3763

Applic.: 10/821,383

Filed: 04/09/2004

For: PERCUTANEOUSLY IMPLANTABLE
MEDICAL DEVICE CONFIGURED TO
PROMOTE TISSUE INGROWTH

Amendment Responsive
to Office Action
dated 03/06/2009

Mail Stop Amendment
Commissioner for Patents
Alexandria, VA 22313-1450

REMARKS

The Office Action dated 03/06/2009 finally rejects claims 3-8 and 18-23 under 35 USC 103 but suggests that the claims could be amended to distinguish patentably over the art of record.

Accordingly, applicants' undersigned attorney telephoned Examiner Koharski on 05/22/09 to discuss proposed amendments to independent claims 22 and 23. As a consequence, claims 22 and 23 are being amended, as shown in the attached Claim Listing, to specify that the second porous layer extends longitudinally from the first porous layer and terminates inwardly of said stud outer end. As discussed, the amended claims now structurally and patentably distinguish the invention over the cited art.

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MRPB408.RESPONSE TO.OA.505

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